

OFFICIAL

Fresno, California

July 13, 2007

The Council of the City of Fresno, California, met in joint session with the Fresno County Board of Supervisors at the Cornerstone Conference Center, 1545 Fulton Street, Fresno, California, at the hour of 10:05 a.m. the day above written. Present were Councilmembers Calhoun, Dages, Duncan, Westerlund, Xiong, and Council Present Perea. Present from the Board were Supervisors Anderson, Larsen, Perea, and Board Chair Waterston. Also present were City Attorney Sanchez, City Manager Souza, City Clerk Klisch, and involved staff.

The purpose of the meeting was to meet and consider the following:

APPROVING A PUBLIC SAFETY SERVICE JOINT POWERS AGREEMENT (JPA), BY AND BETWEEN THE COUNTY OF FRESNO, A POLITICAL SUBDIVISION OF THE STATE OF CALIFORNIA, AND THE CITY OF FRESNO, A MUNICIPAL CORPORATION OF THE STATE OF CALIFORNIA (HEREINAFTER COLLECTIVELY "MEMBER AGENCIES").

Acting as facilitator was Al Smith, President/CEO of the Fresno Chamber of Commerce, who opened the meeting and led those assembled in the pledge of allegiance. Mr. Smith introduced the issue involving the Joint Powers Public Safety Agreement, reviewed action taken over the past fourteen months; advised of the direction to develop an agreement and of meetings spent in review of the documents and to address concerns, noting resolution had been reached.

City Manager Souza advised of the difference in the agreement being presented for adoption from the prior agreement, noting the difference involved inclusion of three public members who should serve in an advisory role.

Upon call, no one present wished to speak and Mr. Smith closed the discussion to public testimony. Chair Waterston clarified the agreement was between the City and County of Fresno and would form another layer of bureaucracy; expressed concern over losing control over emergency dispatch and of the inability of the Emergency Medical System to continue to make standard decisions, and elaborated. Councilmember Duncan stated the issue was not the number of dispatch centers but was the structure of the organization; stated he felt it was an opportunity to enhance control; spoke in support of the adding of three public members; stated action today would be historic, and commended staff on their efforts to make this happen, with concurrence of Councilmember Calhoun.

A motion of Councilmember Calhoun, seconded by Councilmember Duncan, to approve the joint powers agreement as proposed, with the addition of three public members, was discussed.

Supervisor Anderson advised of the need to fill in the amount required for the initial contribution; expressed concern regarding the ability of the JPA to incur debt; questioned the Termination section of the agreement; suggested language be added regarding incurring debt to require the approval by both the County and City of Fresno prior to any debt being incurred; and concluded by questioning the anticipated cost of the initial contribution.

County Administrative Manager Bohn stated the amount of funding would be discussed as part of the upcoming budget discussions to be held by the County. In response to Supervisor Anderson

regarding JPA accountability, Victoria Salisch, Chair of the Board for the Chamber of Commerce, stated those issues had been discussed at length; felt it was implied that any debt would require the approval by both the City and County; and noted with the exception of the three public members, the agreement had been approved by both entities. Discussion ensued.

Mr. Souza clarified the issue regarding cost, and suggested a language change stating "...both entities would make a contribution," noting the amount could be determined when appropriate; stressed the agreement would be putting a structure in place and would provide a framework to proceed. Supervisor Anderson suggested the following language change for Section 11 to include "... as ratified by the Board of Supervisors and the City Council."

Councilmember Dages expressed concern for the lack of Council involvement after establishment of the JPA; stated the Council would be responsible to the public however would not have any input; and suggested the agreement be modified to include the Council President as well as the Mayor or his designee. Discussion continued.

Councilmember Westerlund questioned why the Mayor was designated to sit on the Board, noting he felt it should be a Council representative, with response by City Attorney Sanchez, who added it was a policy call and could be the Council President in the absence of the Mayor. Councilmember Westerlund continued regarding the issue of indebtedness; stated he felt the level of indebtedness that required approval should be thought through; stated there should be language included regarding accountability included in Section 11; and spoke at length on specifics contained within the proposed agreement. Councilmember Xiong reiterated concerns regarding the lack of Council input after adoption of this agreement, with Mr. Souza responding. Supervisor Perea spoke in support of including a member of the Council in addition the Mayor or his designee, and recommended the Board Chair and an additional Board member also be included, and briefly addressed the monetary contribution required as part of the services contract.

A motion by Supervisor Perea, seconded by Supervisor Anderson, to approve the agreement as outlined, with the addition of the following amendments was discussed.

- 1) Member Service Agreement;
- 2) Incurrence of debts "will not occur without prior approval of the County Board of Supervisors and the Council of the City of Fresno;
- 3) The addition of a second Board member and the Council President;
- 4) Elimination of the blank contribution amount line; and
- 5) Inclusion of three public members.

Councilmember Calhoun clarified as maker of the original motion he would not support the proposed amendment to the motion as he was not in support of adding additional elected officials, whereupon Councilmember Duncan withdrew the second to the motion, adding in he felt the addition of the Council President and a second Board Member would be appropriate. A motion to approve the agreement with the above listed modifications was acted upon after discussion.

Gary Messing, attorney representing the Fresno County Deputy Sheriff's Association, advised the proposal would have a substantial impact on employees; spoke to the meet and confer requirements involved for any major change; stressed the fact employees were to be allowed input prior to the course of actions being taken, and added he had not been made aware of this proposal until 7/6/07.

Councilmember Westerlund expressed concern regarding additional member-agencies being unable to take on the required obligation for the service contract, adding he felt they should be able to take on the fiscal responsibility as well. Mr. Sanchez stated it was assumed the entity would have to have the fiscal ability to participate, and appropriate language could be included. Member Westerlund continued regarding inclusion of other entities' Police Chief; the issue of Quorum; Transaction of Business; and requested clarification of the formula with response by County Counsel Marshall. Superintendent Larsen questioned the fee to be paid by new incoming agencies, advised of two cities in his district that would be unable to afford a fee, with Mr. Souza responding the JPA had the authority to absorb that fee. Sheriff Mims questioned the impact this would have on contracts the County has with other agencies for safety services, with response by Mr. Marshall. Discussion continued regarding whether those cities that are unable to pay for service would be allowed to join the JPA with Mr. Souza stating members' service agreements would drive the process; stated they would come before the County and City for review on an annual basis, adding he felt the checks and balance had been addressed.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the Public Safety Service Joint Powers Agreement, by and between the County of Fresno, a political subdivision of the State of California and the City of Fresno, a municipal corporation of the State of California hereby approved, with the addition of the following modifications: 1) Member Service Agreement; 2) Incurrence of debts "will not occur without prior approval of the County Board of Supervisors and the Council of the City of Fresno"; 3) the addition of a second Board member and the Council President; 4) elimination of the blank contribution amount line; and 5) inclusion of three public members, by the following vote:

Ayes : Calhoun, Dages, Duncan, Westerlund, Xiong, Perea  
Noes : None  
Absent : Sterling

The Board took identical action with Supervisor Case absent.

Council President Perea extended congratulations for the action taken and invited the County to a joint meeting regarding homeless issues.

## **ADJOURNMENT**

There being no further business to bring before the Council, the hour of 11:16 A.M. having arrived, and hearing no objections, Council President Perea declared the meeting adjourned.

Dated this \_\_\_\_\_ day of July, 2007.

\_\_\_\_\_  
Henry T. Perea, Council President

Attest: \_\_\_\_\_  
Rebecca E. Klisch, City Clerk